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May 20, 2022

**VIA ECF**

Hon. Sanket J. Bulsara  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: GEICO v. Zaitsev, et al**  
**Docket No. 20-cv-03495-FB-SJB**  
**Application for Leave to File a Reply**

Dear Judge Bulsara:

As Your Honor is aware, this office represents Allan Weissman, M.D. with respect to a Subpoena issued by Defendant, Dr. Zaitsev, in the above referenced matter. Please accept this letter as an application for leave to file a brief reply to Defendants' opposition to the motion to quash the subpoena served upon Dr. Weissman. The brief reply is required to bring to Your Honor's attention the fact that Defendants are relying upon issues set forth in a subpoena that was never served upon Dr. Weissman. A copy of the subpoena served upon Dr. Weissman was attached as Exhibit "A" to the motion to quash wherein Defendants sought the following: "All drafts of affidavits or affirmations of Dr. Weissman M.D.'s December 9, 2020 affirmation." However Defendants' opposition to the motion to quash is based upon a different subpoena which scheduled the deposition for April 19, 2022 at 4:20 p.m., which date was two (2) days **prior** to service of the subpoena on April 21, 2022. Additionally, the unserved subpoena sought the following: "The allegations in the Complaint, the issues testified to by Dr. Allan Weissman, M.D. in his February 21, 2019 Examination Under Oath, and the issues addressed in Dr. Weissman, M.D.'s December 9, 2020 affirmation and all related matters."

Accordingly, Dr. Weissman respectfully requests leave to file the reply filed as Docket #158 to bring to Your Honor's attention that the basis for Defendants' opposition to the motion to quash the subpoena, and the scope of the requested testimony, is completely different from the scope of the subpoena actually served.

Dr. Weissman thanks the Court for its time and attention to this matter and we await Your Honor's response to the request for leave to file the brief reply as set forth above.

Respectfully submitted,

LAW OFFICE OF STUART M. NACHBAR

By: /s/ Stuart M. Nachbar

Stuart M. Nachbar

By: /s/ Bonnie M. Weir

Bonnie M. Weir

Cc: All counsel of record (via ECF)  
Client (via email)